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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,898	01/05/2001	Mark Miller Chesser	360115/24	5026

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/755,898

**Applicant(s)**

CHESSER, MARK MILLER

**Examiner**

Kimberly D. Flynn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,22-37 and 40-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3-20, 22-37, and 40-45 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/2005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to an Amendment and remarks filed February 2, 2005. Claims 1, 3-20, 22-37, and 40-45 are presented for further consideration.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-16, 20, 22-37, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al (6,751,603; hereinafter Bauer) in view of Zou et al (6,246,983; hereinafter Zou).

In considering claim 1 and 37-39, Bauer discloses producing custom output in response to user input, the method comprising:

receiving an input code from the wireless Internet-enabled device (col. 6, lines 33-45) via a web interface of a server computer, the input code representing user input provided at the wireless Internet-enabled device (col. 4, lines 31-36);

locating in a programmable device at least one user-specified output character associated with the user input, in response to receipt of the programmable device storing a plurality of user specified output characters associated with the user input (col. 4, lines 37-59) ; and

providing the at least one user-specified output character (col. 4, lines 59-65).

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While Bauer discloses sending at least one of the identified individual data names to a display unit, Bauer does not specifically disclose that the user-specified output character is for use by an application program. Nonetheless, providing user-specified output characters, linguistic phrases, or canned messages for use by an application program such as e-mail is well known as evidenced by Zou.

In similar art, Zou discloses that canned messages can be used to keep up with e-mail correspondence during business trips or vacation. Zou further discloses that an e-mail administrator or user can create custom canned messages in advance, and use them later in e-mail messages (col. 8, lines 24-46). It would have been obvious to a person having ordinary skill in the art modify the system taught by Bauer to include the step of providing custom outputs to an application program such as e-mail in order to allow rapid non-keystroke by keystroke communication via wireless devices. The modification would also be advantageous to users when traveling or away from the computer thus saving a great deal of time and allowing flexibility in communication. Therefore the claimed limitations would have been obvious modification to the system disclosed by Bauer.

In considering claim 3, and 21-22, Bauer discloses further comprising receiving the input code from a web interface (col. 4, lines 31-35).

In considering claim 4-5 and 23-24, Bauer discloses receiving the input code from a web interface comprises receiving the input code from a wireless communications system (col. 4, lines 31-35 and col. 6, lines 33-38).

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In considering claim 6 and 25, Bauer discloses receiving an input code from a wireless communications system comprises receiving the input code from a wireless telephone (col. 4, lines 31-35 and col. 6, lines 33-38).

In considering claim 7-9, and 26-27, Zou further discloses providing the output character or linguistic phrase to an application program and performing an action based on the output (See Abstract lines 8-17).

In considering claim 11 and 28, Zou further discloses performing an action comprises inserting the linguistic phrase into a field of e-mail (col. 8, lines 24-46).

In considering claim 12-16 and 29-33, While the combined system of Bauer and Zou discloses the system substantially as claimed the combined system does not explicitly disclose wherein programming the programmable device includes receiving at least one user-specified character from a user input device and receiving from a communications network programming commands for associating at least one output character or linguistic phrases with a corresponding input code by presenting a programming interface to a user, to facilitate receiving the programming commands.

Nonetheless, in order for the find file operation taught by Bauer to compare character strings with files stored in the memory; the memory must first be programmed to associate the related data. It would have been obvious to a person having ordinary skill in the art to recognize that prior to the system locating a specified output the associated with an input, the memory must be programmed to store all of the related data that will result in an easier search. Therefore the aforementioned limitations would have been obvious.

In considering claim 40, Zou further discloses an apparatus for producing user defined output characters in response to input codes produced by a web-communicating input device, the system comprising a web server (fig. 1, 28) operable to establish communications with the web-communicating input device using the World Wide Web and programmed to produce at least one user specified output character for use in a field of an e-mail produced by an e-mail server (fig. 1, 23) in communication with the server, in response to receipt by the web server of an input code, from the web communicating input device (see Bauer col. 4, lines 31-36 and col. 6, lines 33-45; and Zou col. 8, lines 24-46).

In considering claim 41, Zou discloses an e-mail system comprising:

a web server operable to establish communications with devices using the World Wide Web (fig. 1, 28);

an e-mail server operable to communicate with the web server (fig. 1, 23);

at least one of the web server and the e-mail server being programmed to produce at least one user-specified output character for use in a field of an e-mail in response to receipt of an input code from one of the devices (see Bauer col. 4, lines 31-36 and col. 6, lines 33-45; and Zou col. 8, lines 24-46).

In considering claims 42-43, Zou further discloses wherein the web server and e-mail server are implemented on a common computer or on separate computers (col. 3, lines 6-21, 28-35).

In considering claims 44-45, Bauer discloses that the data communications network is the Internet (col. 6, lines 63-67).

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3. Claims 17-19 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Zou in further view of Smith (6,490,343).

In considering claims 17-19 and 34-36, while the combined system of Bauer and Zou discloses the system substantially as claimed, it does not disclose relating a set of input codes and corresponding output characters corresponding to a user determined from the input code. Nonetheless, custom codes that relate to particular users or entities are well known as evidenced by Smith.

In similar art, Smith discloses that custom messages may be related to personal life or a particular entity such as an employer, a financial institution, or a doctor's office (col. 11, lines 29-33 and figs. 3a and 3b). It would have been obvious to a person having ordinary skill in the art to modify the combined system of Bauer and Zou to include the step of relating a set of input codes and corresponding output characters corresponding to a user in order to provide the user with additional customization options. Therefore the claimed limitation would have been obvious.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-20, 22-37, and 40-45 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Flynn whose telephone number is 571-272-3954. The examiner can normally be reached on M-F 8:30 - 5:00.

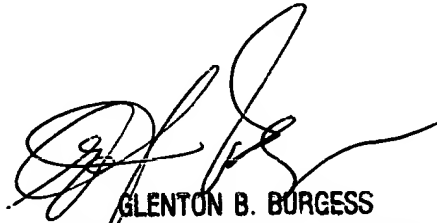
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KDF



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